

REMARKS

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding objections and rejections.

I. Applicant requests entry of an amendment to the title of the invention.

In an Office Action mailed April 18, 2005 (“Office Action”), the Examiner objected to the title of the invention, “A Data Access System and Method,” contending that the title is “not descriptive.” See page 2, section 1.

To accommodate the objection, Applicant requests entry of the above amendment, which changes the title of the application to “A Data Access System and Method Utilizing Prompt Navigation Languages.”

II. Applicant requests reconsideration and withdrawal of all rejections asserted under 35 U.S.C. § 102.

The Examiner rejected claims 1-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,282,511 to Mayer (“Mayer”). See page 2, section 3 of the Office Action.

Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. § 102 because Meyer does not teach each and every limitation of the claims.

A) All of the rejected claims require “data in a prompt navigation language” as defined in the specification.

Independent claims 1, 14, and 27 each expressly require “data in a prompt navigation language.” Claims 2-13, 15-26, and 28-39 have independent claim 1, 14, and 27 as base claims, respectively. Thus, all of the rejected claims require “data in a prompt navigation language.”

A term used in the claims may be given a special meaning in the description. See M.P.E.P. 608.01(o). Here, Applicant gave a special meaning to the term “prompt navigation language” in the description, writing: “In the context of the specification, a “prompt navigation language” is a content language, such as WML or HDML, which includes test data followed by link data or prompt data, without visual layout data.” See page 3, lines 19-21 of the application.

B) Meyer teaches data in Hyper-Text Markup Language (HTML), which is not a prompt navigation language because HTML allows expression of visual layout data whereas a prompt navigation language proscribes expression of such data.

Meyer teaches an access system including a translation system 210 for translating a webpage expressed in Hyper-Text Markup Language into a voice form. Meyer’s system is similar to known systems described in the present application on page 1, lines 14-23, except that Meyer uses speech recognition instead of dial tone (DTMF) signaling.

With respect to computer languages, Meyer teaches HTML; no more. HTML appears forty-eight (48) times in the written description. Meyer mentions no other computer languages.

In the Office Action, the Examiner does not contend otherwise. To the contrary, the Examiner expressly characterizes Meyer in terms of HTML. See pages 3-4.

HTML is not a prompt navigation language as defined by the Applicant in the present application. A prompt navigation language, according to the meaning of the term given by the Applicant, cannot express visual layout data. HTML, in contrast, is a language that is designed to provide a visual display on a computer screen. One can express visual layout data such as, for example, frames, tables, and still and moving images. HTML is well known as such both to the skilled person and more broadly because of wide familiarity with creating webpages on the internet with HTML and related software. Accordingly, HTML is not a prompt navigation language because with HTML one can express visual layout data whereas with a prompt navigation language such expression is impossible, by definition.

Therefore, Meyer does not anticipate claims 1-39 because Meyer does not anticipate the limitation "data in a prompt navigation language," which is required in each and every one of claims 1-39.

CONCLUDING REMARKS

Applicant believes that the present application is in condition for allowance because this Amendment and Reply fully and completely addresses all of the issues raised by the outstanding Office Action. Should the Examiner believe, for any reason, that personal communication would expedite prosecution of this application, Applicant invites the Examiner to telephone the undersigned.

The Commissioner may charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 461124-00054; Docket No. 27827/US/DJB/VEJ).

Respectfully submitted,

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By:



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